

The West Australian

Class action launched against pipe manufacturer Iplex at the centre of Perth's flooding homes crisis



John Flint The West Australian
Tue, 6 August 2024 4:20PM +



Thousands of WA homeowners were impacted by the defective Iplex pipe saga. Pictured is Chris and Sarah Lyne with their son Nate in one of the damaged rooms. Credit: Daniel Wilkins/The West Australian

Thousands of West Australians are included in a class action against pipe manufacturer Iplex over extensive flooding damage caused to homes by “defective” pipes.

Sydney law firm Baker McKenzie filed the class action in the Victorian Registry of the Federal Court on Monday.

The case against Iplex Pipelines Australia Pty Ltd is the latest development in the saga, which has impacted thousands of WA homeowners.

Iplex is a subsidiary of New Zealand-based construction giant, Fletcher Building, which denies its product is defective and blames the torrent of pipe bursts in recent

years on poor installation by builders, most specifically BGC, which used Iplex's polybutylene pipe products extensively in its new builds.

The class action is on behalf of "all persons in Australia who acquired Iplex Pro-fit polybutylene pipe products manufactured using TYPLEX-1050Resin (Typlex Resin) at any time from July 1, 2017."

According to Iplex, pipe bursts and leaks have been predominantly limited to WA installations only.

Iplex is currently in talks with BGC and other group builders who used the product. The talks, convened by the WA Government and overseen by former Supreme Court justice John Chaney, have so far failed to mediate a financial settlement on meeting the cost of all the property damage and repiping affected homes.



 A split pipe from the damaged bathroom, Credit: Daniel Wilkins/The West Australian

Lead plaintiff in the class action, Tracey Watters, from Perth, said she had experienced ten separate water bursts and leaks in the past four years.

"These instances have caused damage to my property and possessions including ongoing damp and mould issues, and at times my family and I have had to relocate to alternative accommodation while repairs have been undertaken," she said.


"This has caused severe stress and anxiety for myself and my family, and I am constantly living with the uncertainty of when another burst or leak will happen.

“I am one of many homeowners being forced to deal with these issues and I am hopeful that through this class action Iplex will compensate me and others for the defects in the Iplex Pro-fit pipes.”



 Damage in the bathroom from a leak. Credit: Daniel Wilkins/The West Australian



 Water being mopped up from the bathroom that was damaged. Credit: Daniel Wilkins/The West Australian

It's understood the suspect pipes have been installed in more than 30,000 homes across the country.

Some estimations put the cost of replacing all the piping at more than \$1 billion.

The West has reported extensively on the misery and financial strain caused by the issue on WA families.

The class action alleges the pipes did not comply with the statutory guarantee of acceptable quality under the Australian Consumer Law. It claims the Typlex resin had a propensity to crack, rupture and leak.

The lawsuit also alleges Iplex engaged in misleading and deceptive conduct.

Iplex said on Tuesday afternoon that it would defend the proceedings.

“Iplex has proactively sought to agree a coordinated and comprehensive industry response to deliver certainty and timely repairs for affected consumers with the cooperation of leading WA Builders and the support of the WA Government,” a spokesperson said.

“Mediated discussions regarding that response have been constructive. If agreed, this can deliver a coordinated and timely response for those impacted and remains our focus.

“Iplex has and continues to play its role as constructive and responsible member of the building industry in assisting homeowners affected by the plumbing failures.”

Baker McKenzie advised that anyone who meets their criteria will automatically be a group member in the class action unless they opt out when given the opportunity to do so.

They can also register to receive updates on the case at www.iplexpipesclassaction.com.au and clicking the link on that page.

Commerce Minister Sue Ellery said the mediation process between builders, Iplex and the State Government was continuing with “the aim of reaching a final agreement as soon as possible.”

“The State Government’s priority is to ensure the best outcome possible for WA homeowners who have been impacted by leaking pipes.

“The State Government has committed to contribute \$30 million towards the Industry Response to enable homes to be rectified and kept safe.

“The investigation into a product recall is ongoing and advice has not yet been provided to me for consideration.

“Impacted homeowners are encouraged to lodge a complaint with Building and Energy.”
